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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LAO, TIM P	

ART UNIT	PAPER NUMBER
2655	4

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/872,144	Applicant(s) ENGSTROM, G. ERIC	
	Examiner Tim Lao	Art Unit 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☒ ~~Claim(s) *22 and 24* is/are objected to~~.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 22 and 24 are objected to because of the following informalities:

As best understood from the claim language, claim 22 should be depended upon claim 21 and claim 24 should be depended upon claim 23. The examiner assumes the above claim relationship in determining the validity of claims 22 and 24. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lignoul (U.S. Patent 6,374,145).	
Claim(s) 1	Lignoul discloses: A method comprising: (see abstract) determining if a user is proximately located with respect to a device; (Fig.4: **407**; col.14, ll.32-53)

	determining if there is activity (e.g., mouse movement) on the device; (Fig.4: **408**; col.14, ll.54-60) and as long as the user is proximately located ('person present?' = yes, Fig.4: **407**), and there is no activity on the device ('user input?' = no, Fig.4: **408**), periodically (e.g., 30 second interval: col.14, ll.17-24) simulating an activity on the device (e.g., emulating mouse movement: Fig.4: **420**; col.15, ll.18-21) to prevent the device from transitioning into a resource saving state (screen saver: col.14, ll.27-31). (col.15, ll.12-34)
Claim(s) 2	Lignoul discloses: The method of claim 1 wherein said determining if the user is proximately located comprises monitoring an audio input device (e.g., microphone) for audio input. (col.5, ll.40-46; col.3, ll.13-22)
Claim(s) 3	Lignoul discloses: The method of claim 2, where said determining if the user is proximately located further comprises determining (analyzing) if the user's voice is present in said audio input. (col.5, ll.40-46)
Claim(s) 4	Lignoul discloses: The method of claim 3, where said determining if the user is proximately located further comprises comparing audio samples from said audio input to a voice reference sample (e.g., voice print) of the user. (col.5, ll.40-46)
Claim(s) 5	Lignoul discloses: The method of claim 1, where said determining if there is activity on the device comprises receiving notification (log) of activity from an operating system of the device. (col.17, ll.12-19)
Claim(s)	Lignoul discloses:

6	The method of claim 5, where said determining if there is activity on the device further comprises requesting said operating system to provide said notification of activity. (col.17, ll.19-22)
Claim(s) 7	Lignoul discloses: The method of claim 1 wherein said period for simulating said activity has a period length (expiration time) shorter than a period of inactivity (time-out) that will result in the device in entering said resource saving state (screen saver). (col.15, ll.8-15) *{The actual expiration time is 1 second earlier than the time-out period to take into account the delay of the decision loop from **417** to **405** so as to allow the device to determine the presence of a user prior to time-out.}*
Claim(s) 8	Lignoul discloses: The method of claim 1 wherein said simulating of activity comprises simulating (emulating) one or more of: a key press, (keystroke: col.9, ll.59-64) a pointer device movement, (e.g., mouse movement: col.9, ll.34-48) and a network traffic event. (e.g., data over communication link: col.13, ll.63-67)
Claim(s) 9	Lignoul discloses: An apparatus comprising: (see abstract) storage medium (Fig.1: **150**) having stored therein a plurality of programming instructions (Fig.2: **220**, **230**) designed to: determine if a user is proximately located with respect to the apparatus, (Fig.4: **407**; col.14, ll.32-53)

	determine if there is activity (e.g., mouse movement) on the apparatus, (Fig.4: **408**; col.14, ll.54-60) and simulate an activity (e.g., emulating mouse movement: Fig.4: **420**; col.15, ll.18-21) to prevent the device from transitioning into a resource saving state (screen saver: col.14, ll.27-31) if the user is proximately located ('person present?' = yes, Fig.4: **407**) and there is no activity on the apparatus ('user input?' = no, Fig.4: **408**); (col.15, ll.12-34) and a processor (Fig.1: **110**) coupled to the storage medium (Fig.1: **150**) to execute the programming instructions (Fig.2: **220**, **230**).
Claim(s) 10	Lignoul discloses: The apparatus of claim 9, wherein said programming instructions are designed to perform said determining if the user is proximately located by monitoring an audio input device (e.g., microphone) of the apparatus for audio input. (col.5, ll.40-46; col.3, ll.13-22)
Claim(s) 11	Lignoul discloses: The apparatus of claim 10, where said programming instructions are designed to determine (analyzing) if the user's voice is present in said audio input, when performing said determining if the user is proximately located. (col.5, ll.40-46)
Claim(s) 12	Lignoul discloses: The apparatus of claim 11, where said programming instructions are designed to compare audio samples from said audio input to a voice reference sample (e.g., voice print) of the user, when performing said determining if the user is proximately located. (col.5, ll.40-46)
Claim(s) 13	Lignoul discloses: The apparatus of claim 9, where said programming instructions are designed to receive notification (log) of activity from an operating system of the apparatus, when performing said determining if there is activity on the apparatus. (col.17, ll.12-19)

Claim(s) 14	Lignoul discloses: The apparatus of claim 13, where said programming instructions are further designed to request said operating system to provide said notification of activity, when performing said determining if there is activity on the apparatus. (col.17, ll.19-22)
Claim(s) 15	Lignoul discloses: The apparatus of claim 9, wherein said period for simulating said activity has a period length (expiration time) shorter than a period of inactivity (time-out) that will result in the apparatus in entering said resource saving state (screen saver). (col.15, ll.8-15) *{The actual expiration time is 1 second earlier than the time-out period to take into account the delay of the decision loop from **417** to **405** so as to allow the device to determine the presence of a user prior to time-out.}*
Claim(s) 16	Lignoul discloses: The apparatus of claim 9 wherein said programming instructions are designed to simulate (emulate) one or more of: a key press, (keystroke: col.9, ll.59-64) a pointer device movement, (e.g., mouse movement: col.9, ll.34-48) and a network traffic event. (e.g., data over communication link: col.13, ll.63-67)
Claim(s) 17	Lignoul discloses: A method comprising: (see abstract) receiving audio from an input device (e.g., microphone); (col.5, ll.40-44; Fig.4: 407; col.12, ll.6-8) determining if the received audio matches an existing audio; (col.5, ll.44-46)

	conditionally generate (e.g., periodically at 30 second interval), upon determining that the received audio matches the existing audio, an activity (e.g., simulated mouse command). (col.15, ll.12-42)
Claim(s) 18	Lignoul discloses: The method of claim 17, wherein the generated activity comprises one of: a simulated key press, (keystroke: col.9, ll.59-64) a simulated mouse movement, (col.9, ll.34-48) and a simulated network traffic. (e.g., data over communication link: col.13, ll.63-67)
Claim(s) 19	Lignoul discloses: An apparatus comprising: (see abstract) storage medium (Fig.1: **150**) having stored therein a plurality of programming instructions (Fig.2: **220**, **230**) designed to: receive audio from an input device (e.g., microphone); (col.5, ll.40-44; Fig.4: **407**; col.12, ll.6-8) determine if the received audio matches an existing audio; (col.5, ll.44-46) conditionally generate (e.g., periodically at 30 second interval), upon determining that the received audio matches the existing audio, an activity (e.g., simulated mouse command); (col.15, ll.12-42) and a processor (Fig.1: **110**) coupled to the storage medium (Fig.1: **150**) to executed the programming instructions (Fig.2: **220**, **230**).
Claim(s)	Lignoul discloses:

20	The apparatus of claim 19, wherein the generated activity comprises one or more of: a simulated key press, (keystroke: col.9, ll.59-64) a simulated mouse movement, (col.9, ll.34-48) and a simulated network traffic. (e.g., data over communication link: col.13, ll.63-67)
Claim(s) 21	Lignoul discloses: A method comprising: (see abstract) setting a first timer (Fig.:1: **120**) with a first timer value (e.g., regular 30 second interval: col.14, ll.17-31); receiving audio from an input device (e.g., microphone); (col.5, ll.40-44; Fig.4: **407**; col.12, ll.6-8) determining if the received audio matches an existing audio; (col.5, ll.44-46) determining if the first timer has expired (Fig.4: **417**: 't=0?'); and generating (e.g., periodically at 30 second interval), upon determining that the received audio matches the existing audio sample and upon determining that the first timer has expired (Fig.4: **417**: 't=0?' = yes), at least one activity (e.g., simulated mouse command). (col.15, ll.12-42)
Claim(s) 22	Lignoul discloses: The method of claim 21 wherein the generated activity comprises one or more of: a simulated key press, (keystroke: col.9, ll.59-64) a simulated mouse movement, (col.9, ll.34-48) and

	a simulated network traffic. (e.g., data over communication link: col.13, ll.63-67)
Claim(s) 23	Lignoul discloses: An apparatus comprising: (see abstract) storage medium (Fig.1: **150**) having stored therein a plurality of programming instructions (Fig.2: **220**, **230**) designed to: set a first timer (Fig.:1: **120**) with a first timer value (e.g., regular 30 second interval: col.14, ll.17-31), receive audio from an input device (e.g., microphone), (col.5, ll.40-44; Fig.4: **407**; col.12, ll.6-8) determine if the received audio matches an existing audio, (col.5, ll.44-46) determine if the first timer has expired (Fig.4: **417**: 't=0?'), and generating (e.g., periodically at 30 second interval), upon determining that the received audio matches the existing audio sample and upon determining that the first timer has expired (Fig.4: **417**: 't=0?' = yes), at least one activity (e.g., simulated mouse command); (col.15, ll.12-42) and a processor (Fig.1: **110**) coupled to the storage medium (Fig.1: **150**) to executed the programming instructions (Fig.2: **220**, **230**).
Claim(s) 24	Lignoul discloses: The apparatus of claim 23, wherein the generated activity comprises one or more of: a simulated key press, (keystroke: col.9, ll.59-64) a simulated mouse movement, (col.9, ll.34-48) and

	a simulated network traffic. (e.g., data over communication link: col.13, ll.63-67)

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Documents:

[1] 6,002,427	12/1999	Kipust
[2] 6,560,711 B1	05/2003	Given et al.
[3] 5,963,908	10/1999	Chadha
[4] 5,241,649	08/1993	Niyada

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Lao whose telephone number is 703-305-8955. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tim Lao
Examiner
Art Unit 2655

TL
05/06/04

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